

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

June 9, 2004

**I.
PLEDGE OF
ALLEGIANCE**

Vice Chair Lalwani called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Lalwani, Galang, Garcia, Giordano, Mohsin and Sandhu
Absent: Nitafan
Staff: Carrington, Fujimoto, Lindsay and Heyden

**III.
PUBLIC FORUM**

Vice Chair Lalwani invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
May 26, 2004**

Vice Chair Lalwani called for approval of the minutes of the Planning Commission meeting of May 26, 2004.

There were no changes from staff.

Motion to approve the minutes as submitted.

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**V.
ANNOUNCEMENTS**

Commissioner Giordano congratulated Commissioner Garcia for being recognized at the June 2nd CAC meeting for being Chair of the CAC. She also attended the June 1st transportation community forum led by Carl Guardino from the Silicon Valley Manufacturing Group, which was also attended by Supervisor Pete McHugh.

She also asked staff if the Jacklin Road streetlights have the same synchronized lighting as the streetlights on Calaveras Boulevard. She is concerned that Jacklin Road is becoming congested and would like staff to follow up. **James Lindsay, Planning Manager**, noted that he would follow up with the traffic division and get back to Commissioner Giordano.

**VI.
APPROVAL OF
AGENDA**

Vice Chair Lalwani called for approval of the agenda.

There were no changes from staff.

Motion to approve the agenda.

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**VII.
CONSENT CALENDAR
Consent Item Nos. 1 and 2**

Vice Chair Lalwani asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Mr. Lindsay requested that Item No. 1 be removed from the consent calendar because a concerned resident would like to address the Commission on the project. The Commission agreed to remove Item No. 1 from the consent calendar.

Vice Chair Lalwani opened the public hearing on Consent Item No. 2.

There were no speakers from the audience.

**Continue Consent Item No.
2 to June 23, 2004**

Motion to continue Item No. 2 to the June 23, 2004 meeting.

***2 USE PERMIT NO. UP2004-11:** A request to locate telecommunications antennas atop of an existing 95 foot tall light pole and accompanying equipment inside an enclosure at Milpitas High School at 1285 Escuela Parkway, in the R1-6 Zoning District (APN: 026-18-003). Applicant: Jennifer Estes. Project Planner: Troy Fujimoto, (408) 586-3287. (*Recommendation: Continue to June 23, 2004*)

M/S: Giordano/Sandhu

AYES: 6

NOES: 0

**VIII.
PUBLIC HEARING**

1. USE PERMIT NO. UP2004-9: A request to locate telecommunications antennas inside a 40-foot tall flagpole and accompanying equipment inside an enclosure at Rancho Milpitas Middle School at 1915 Yellowstone Avenue in the R1-6 Zoning District. Applicant: *Cingular Wireless.*

Dennis Carrington, Senior Planner, presented Use Permit No. UP2004-9, a request to locate telecommunications antennas inside a 40-foot tall flagpole and accompanying equipment inside an enclosure at Rancho Milpitas Middle School at 1915 Yellowstone Avenue in the R1-6 Zoning District. Mr. Carrington recommend approval with conditions based on the findings and recommendations noted in the staff report.

Mr. Lindsay noted that Commissioner Giordano left the Council Chambers at 7:06 p.m. due to living within 300 feet of the project site.

Vice Chair Lalwani opened the public hearing.

Andy Miner, Applicant, agrees with the findings and conditions proposed by staff and is available for questions from the Commission and concerned residents.

Ronald Chang, 1596 Sonoma Drive, is concerned that the telecommunications equipment emits electromagnetic waves that will cause cancer and felt that the flagpole will diminish his property value.

Paul Lu, 1726 Tahoe drive, apologized for missing the first part of the meeting and asked what is the purpose for the telecommunication flagpole and how will it be operated.

Mr. Carrington explained that the antennas will provide signals for Cingular Wireless cell phones in the area and will be disguised as a flagpole located at Rancho Middle School.

Mr. Lu asked why the Rancho middle school site was chosen. Mr. Carrington explained that there is low signal density in the area so cell phone calls were being dropped and that is why Cingular needed to locate more antennas.

Mr. Lu asked if there is research about health effects and if the findings are available to the public. Mr. Lindsay informed him that Mr. Carrington already presented the information earlier and the applicant could answer additional questions.

Mr. Lu is concerned that the antenna is a health risk and felt that more parents should have been notified.

Mr. Miner noted that a health study was prepared and the project meets federal standards. He explained that the flagpole antenna is forty feet away and will not do harm to people standing below. He noted that the flagpole was chosen purposely because it is set well back from the street and is not close to the nearby residences and the location was also chosen to provide coverage for the people in the area.

**Close Public Hearing
Agenda Item No. 1**

Motion to close the public hearing.

M/S: Galang/Sandhu

AYES: 5

NOES: 0

Commissioner Galang asked for clarification on the ground equipment. Mr. Miner explained that the ground equipment takes the signal from the antennas and sends it through the phone lines.

Commissioner Galang asked if the equipment emits radiation. Mr. Miner replied that it does not emit radiation. It is similar to a computer because the equipment is enclosed and is in an airtight box.

Commissioner Galang asked how many Cingular antennas are in Milpitas and Mr. Miner replied, "three".

Commissioner Galang asked if Cingular has a report that says the antennas are safe and Mr. Miner said that the report is included in the Commissioner's packet.

Commissioner Mohsin asked if there are any other schools that have antennas located on their buildings and Mr. Miner replied, "Yes".

Commissioner Mohsin asked if the public was notified about the project and Mr. Lindsay replied that the neighborhood received public hearing notices and Mr. Fujimoto received calls from concerned residents and gave them the information.

Mr. Chang stated that in the last year the City of Los Gatos rejected a similar type of project and felt the City of Milpitas should do the same.

Motion to approve Use Permit No. UP2004-9 based on the findings and conditions noted in the staff report.

M/S: Garcia/Sandhu

AYES: 5

NOES: 0

IX.

NEW BUSINESS

Commissioner Giordano returned to the Council Chambers at 7:27 p.m.

2. DISCUSSION ITEM:

Informational discussion of the Religious Land Use and Institutionalized Persons Act (RLUIPA). *Staff Contact:* James Lindsay, (408) 586-3274.

Mr. Lindsay noted that due to Chair Nitafan's absence, he asked that this discussion be continued to the June 23rd meeting so the Chair could participate, so no action is necessary from the Commission.

X.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:28 p.m. to the next regular meeting of June 23, 2004.

Respectfully Submitted,

James Lindsay
Planning Commission
Secretary

Veronica Rodriguez
Recording Secretary